

July 29, 2008

Jeff S. Jordan
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Dear Mr. Jordan:

On July 14, 2008, I received a letter from you detailing complaints about my campaign made by Mr. Randy Bratton. This is a response to those complaints numbered MUR 6032. There were three complaints filed and I detail the particulars in the following text:

Yard Signs

Yard signs paid for by the Tom Leatherwood for Congress Committee (the Committee) initially failed to include the required disclaimer stating that the committee paid for the signs. This was a mistake and will not be repeated.

The Committee acknowledged the mistake immediately and publicly when it was brought to the Committee's attention. In addition, the Committee produced stickers printed with the appropriate disclaimer to place on signs before any more were distributed, and to use in a best faith effort to bring every yard sign into compliance (see enclosed photos). Volunteers were given the stickers to place on signs already in yards.

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Regarding the complaint alleging that the campaign failed to include proper disclaimer of their television ads:

The ads include the on-screen disclaimer required by the FCC. The campaign reviewed the disclaimer with the management of every station on which the ads appeared, and they were satisfied that the disclaimer was compliant with FCC Regulations.

As for compliance with FEC-mandated disclaimers, we refer to Section 305 of the Bipartisan Campaign Act of 2002 (McCain-Feingold), "Limitation On Availability Of Lowest Unit Charge For Federal Candidates Attacking Opposition." This section of the law lays out the conditions under which the 4-second candidate on camera disclaimer is required.

As the title of the section states, this applies to candidates purchasing advertising under the "Lowest Unit Charge" provision of federal law. This provision becomes effective 45 days prior to a primary election and 60 days prior to a general election. The ads in question were not

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scheduled during this 45-day pre-primary window Therefore, the enhanced disclaimer is not required under McCam-Fengold

In addition, since the ads ran outside this 45-day pre-primary window, the campaign negotiated advertising rates based on market conditions and were not given the "Lowest Unit Charge" by default

The Title of Section 305 includes the phrase, "Federal Candidates Attacking Opposition " The section says the candidate "shall not make any direct reference to another candidate for the same office" without including the enhanced disclaimer in order for the candidate to purchase advertising at the "Lowest Unit Charge " The spot to which Mr Duncan refers does not mention another candidate for the same office by name (See Attachment A)

To summarize

- The ads were in compliance with FCC regulations according to the management of the stations on which they ran
- The ads were purchased at market rates, not the "Lowest Unit Charge," so an enhanced disclaimer was not required
- The ads did not air within the 45-day window during which an enhanced disclaimer is required to purchase time at the "Lowest Unit Charge"
- The ads did not mention another candidate for the same office by name, also a requirement for use of the enhanced disclaimer if time is purchased at the "Lowest Unit Charge "

Web Site

With regard to the web site allegation, no funds were paid for developing the site, and the site did not go "live" prior to the close of the April filing period, thus no reporting was required during that reporting period When the site was completed to my satisfaction, we were invoiced and the bill was paid (See Attachment B)

A review of our committee's report for the July filing period shows that the campaign's website expenditures were reported properly

Feel free to contact me if you have any questions or concerns

Sincerely,

Tom Leatherwood
Tom Leatherwood